

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 12, 2016

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Michael Lynn, West Hampden Baptist Church, Hampden.

National Anthem by Chloe Wheeler, Bridgewater.

Pledge of Allegiance.

Doctor of the day, Ted McCarthy, M.D., Cape Elizabeth.

The Journal of Thursday, January 7, 2016 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 393)
**UNIVERSITY OF NEW ENGLAND
PORTLAND CAMPUS
716 STEVENS AVENUE
PORTLAND, MAINE 04103**

November 16, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Enclosed is the annual report of the Maine Area Health Education Center (AHEC) Network for 2015. This report, outlining the Maine AHEC Network's activities funded by FAME, is sent annually to the Governor, Senate President, and Speaker of the House.

If you have any questions, do not hesitate to contact me either by phone 207-221-4620 or via email korourke3@une.edu.

Respectfully,

S/Karen O'Rourke, MPH

Director, Maine AHEC Network

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 394)

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF EXECUTIVE DIRECTOR/CHAIR
DEERING BUILDING, AMHI COMPLEX
27 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0027**

January 6, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Michael D. Thibodeau

President of the Senate

3 State House Station

Augusta, Maine 04333

RE: Annual report of the Workers' Compensation Board pursuant to 5 MRSA

§12023(2)

Dear Speaker Eves and President Thibodeau:

Pursuant to 5 MRSA, §12023, please consider this the letter of transmittal for the required report from the Workers' Compensation Board due by February 1, 2016.

Please contact me if you have any questions or need additional information.

Very truly yours,

S/Paul H. Sighinolfi, Esq.

Executive Director/Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 395)

**MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY
15 TERMINAL ROAD, SUITE 200
BRUNSWICK, MAINE 04011**

January 6, 2016

Honorable Michael D. Thibodeau

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Subject: Government Accountability Report (5 MRSA §12023)

Dear President Thibodeau and Speaker Eves:

In compliance with the requirements of the Government Accountability and Oversight Law for quasi-independent State entities (5 MRSA §12023), please consider this letter of transmittal for the required report on behalf of the Board of Trustees of the Midcoast Regional Redevelopment Authority (MRRA) due by February 1, 2016.

Please contact me if you have any questions or need additional information. Thank you.

Sincerely,

S/Jeffrey K. Jordan

Deputy Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 396)

**STATE OF MAINE
CONNECTME AUTHORITY
78 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0078**

January 8, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Honorable Michael D. Thibodeau

President of the Senate

3 State House Station

Augusta, Maine 04333

Dear Speaker Eves and President Thibodeau:

Pursuant to 5 MRSA, §12023, please consider this the letter of transmittal for the required report from the ConnectME Authority due by February 1, 2016.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Phillip Lindley

Executive Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 397)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 12, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On January 7, 2016

Jonathan A. Block, Esq. of Portland

Larry G. Mitchell of Winslow

Rosaire Pelletier of Madawaska

for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Kristin E. Brawn of Bath

for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Thomas W. Casamassa of Saco

Michael E. Love of North Yarmouth

Michael E. Murphy II of Machiasport

for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

On January 8, 2016

Meri N. Lowry, Esq. of Portland

for appointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Michael L. Edgecomb of Spruce Head

for appointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Carol S. Bell of Presque Isle

Janet A. McGillan of Fort Fairfield

Mark L. Wilcox of Mapleton

for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

At this point, the Speaker recognized the Representative from Chelsea, Representative SANDERSON, the Representative from York, Representative HYMANSON, the Representative from Boothbay Harbor, Representative HAWKE, the Representative from Scarborough, Representative SIROCKI and the Representative from Augusta, Representative POULIOT, and they were added to the roll call of the Second Regular Session of the 127th Legislature.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Provide Access to Affordable Naloxone Hydrochloride for First Responders"

(H.P. 1054) (L.D. 1547)

Sponsored by Representative GIDEON of Freeport.

Cosponsored by Senator BREEN of Cumberland and Representatives: BURSTEIN of Lincolnville, MALABY of Hancock, MARTIN of Sinclair, NADEAU of Winslow, VACHON of Scarborough, Senators: DILL of Penobscot, KATZ of Kennebec, SAVIELLO of Franklin.

Submitted by the Department of the Attorney General pursuant to Joint Rule 203.

Bill "An Act To Establish a Foster Parents' Bill of Rights"

(H.P. 1055) (L.D. 1548)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: BEAVERS of South Berwick, HAMANN of South Portland, HERRICK of Paris, HICKMAN of Winthrop, STEARNS of Guilford, VACHON of Scarborough, Senator: LANGLEY of Hancock.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Reduce Morbidity and Mortality Related to Injected Drugs"

(H.P. 1057) (L.D. 1552)

Sponsored by Representative VACHON of Scarborough.

Cosponsored by Senator HASKELL of Cumberland and Representatives: DUNPHY of Embden, GATTINE of Westbrook, HEAD of Bethel, MALABY of Hancock, REED of Carmel, SANBORN of Gorham, TURNER of Burlington, WARD of Dedham.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund"

(H.P. 1056) (L.D. 1549)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator KATZ of Kennebec and Senator: PATRICK of Oxford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Maine Turnpike Authority**

Representative McLEAN for the **Maine Turnpike Authority** pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to report that the accompanying Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017"

(H.P. 1053) (L.D. 1546)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1048)

Resolve, Directing the Governor and the Land for Maine's Future Board To Fulfill the Will of Maine Voters and Issue Bonds Approved in 2010

(H.P. 996) (L.D. 1454)

(H. "A" H-505)

- In House, **FINALLY PASSED** on July 16, 2015.

- In Senate, **FINALLY PASSED** on July 16, 2015.

On motion of Representative GROHMAN of Biddeford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **FINALLY PASSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-505)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-508)** to **House Amendment "A" (H-505)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, this amendment, H-508, which I hope you have before you, is a clean amendment. It's very simple. If you consult lines 29 and 30, you'll see that it changes just six words: from "June 2016" to "A term of five years." If you consult the Maine Constitution, what you'll find is that we, as the Legislature, only get one whack at extending bonds. I would like to take the full five year term, which is available to us because I believe it actually provides greater flexibility to the Executive and,

I believe, will allow him the greatest financial flexibility. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I think it's appropriate that we back this bill up and provide the Chief Executive with an opportunity to do what he's partly already done, both in his public actions and his words. My understanding is that the Chief Executive has borrowed from the cash pool to fund a fairly significant portion of the projects that were authorized under the original vote of the voters back in 2010 and has made public comments to the extent that when the State of Maine goes out to authorize their bonds in June, that he, in fact, intends on fulfilling that obligation.

To the extent that the Chief Executive has indicated, both in his actions and his words, that he intends to do that, he had also requested that the language, as proposed in the amendment, whereas is said in quotes, "until June 30, 2016," and then inserts, "for a five year period," my understanding is the Chief Executive was, in fact, seeking authorization until June 30, 2016. However, that's not what the issue is before us. We are in a situation where the amendment before us, particularly on this side of the aisle is whether or not we support reauthorization of the bonds to a five year period of time.

And so I just want to be clear that I think there are two issues here. (1) I believe the Chief Executive has said in his actions and his words that he supports this and is moving forward with the will of the voters, and (2) I, as a Representative in my district, support reauthorization and I would prefer if we were simply voting on something other than the reauthorization for five years. But that's not what's before us.

And so, I trust the Chief Executive is going to fulfill his obligations as he has said. And in a position where I am today, that I either have to vote for reauthorization for five years or not to reauthorize at all, I feel that I am in a box. However, at the end of the day, the voters decided on this back in 2010 and to the extent that I want to support the will of the voters, that I want to support this program, and I want to support the Chief Executive in fulfilling both what he has said in his words and in his conduct, I will be supporting the amendment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I want to thank many people today. The list is very long so I probably won't name everyone by name. But I want to thank all those people on both sides of the aisle who stayed in contact on this issue, who tried to find a path forward. A path forward so that when we came in in the first week of session, being last week, being today, being this week, that it was clear. It was clear we would listen to the will of the people, we would move forward, we would stop fighting, stop fighting over this issue. We would move this issue forward, we would add some stability. Some stability for our conservation community, who is sitting, watching, watching how we react, watching how we work together, and trying to find stability, stability as they move forward, as they plan what the future of Maine might be, what future conservation projects might be—large, small, rural, urban—all around the state. And I think what we have before us, we have before us is a compromise. A compromise that was highlighted in the media and how exciting to go home last week, to spend the weekend with our constituents, and to see us come in to do the will of the people, to do good work. Not to bicker, not to fight, come in last week, say we have an agreement, start the session off on a positive note.

So what is before you today is spelled out. It's spelled out. I've never been one that tries to interpret the Constitution, but it's spelled out in Section 14 of the Constitution in regards to the authority and procedure for issuance of bonds. It says there, "within two years after expiration of that five year period, the Legislature may extend by a majority vote the five year period for an additional five years." So we have an opportunity to take a vote that says we believe the way it's written in the Constitution, to add another five years.

I also, I will publicly thank the good Representative from Newport, Representative Fredette, for continuing to talk about this issue and other issues as we move forward. I also take this opportunity to recognize the Chief Executive for his willingness to talk about this issue and to recognize just how popular Lands for Maine Future program is statewide. So, thank you very much.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-508)** to **House Amendment "A" (H-505)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-508) to House Amendment "A" (H-505). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 466

YEA - Alley, Austin, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bates, Daughtry, Dion, Higgins.

Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly **House Amendment "B" (H-508)** to **House Amendment "A" (H-505)** was **ADOPTED**.

House Amendment "A" (H-505) as Amended by **House Amendment "B" (H-508)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **House Amendment "A" (H-505)** as Amended by

House Amendment "B" (H-508) thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Resolve Inconsistencies in the Drug Laws"

(S.P. 609) (L.D. 1554)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Repeal the Maine Guaranteed Access Reinsurance Association Act"

(S.P. 605) (L.D. 1545)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation" (EMERGENCY)

(S.P. 607) (L.D. 1551)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Pursuant to Statute

Workers' Compensation Board

Report of the **Workers' Compensation Board** pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11 asks leave to report that the accompanying Bill "An Act To Improve the Workers' Compensation System"

(S.P. 608) (L.D. 1553)

Be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper, who wishes to address the House on the record.

Representative **COOPER**: Thank you, Mr. Speaker, on the recorded vote on LD 1454, Amendment "B" (H-508), if I had not been distracted, I would've voted "yea."

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

On motion of Representative McCABE of Skowhegan, the House adjourned at 11:30 a.m., until 10:00 a.m., Thursday, January 14, 2016.